IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1079 OF 2004

The State of Maharashtra ..Appellant

V/s.

Sanjay Baburao Urmnatti & Anr. ..Respondents

Mr.A.S.Shitole, APP for Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by 2nd Adhoc Additional Sessions Judge on 15.6.2004 acquitting the accused for offences punishable under Sections 498-A, 306 r/w 34 of IPC. On perusal of the impugned judgment it is clear that the same is passed on cogent and acceptable reasons. The principal evidence against the accused was a dying declaration at Exh.41 said to have been given by the deceased Anita. The said dying declaration has been recorded by the police officer in the presence of the medical officer consisting of 2 parts. In the first part Anita stated that her saree caught fire accidently. In the 2nd part she gave a different version that she has committed suicide. Dr.Mirje stated in his

evidence that a 2nd dying declaration was recorded by the police in the presence of the Doctor. This was not produced on record. In the circumstances, benefit of doubt has been given to the accused. In my view, not a fit case to interfere. Hence leave is refused and consequently appeal stands dismissed.

(R.S.Mohite,J)